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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TRUSTEES OF THE ELECTRICAL  
WORKERS HEALTH AND WELFARE  
TRUST; TRUSTEES OF THE  
ELECTRICAL WORKERS PENSION  
TRUST; AND THE TRUSTEES OF THE  
LAS VEGAS ELECTRICAL JOINT  
APPRENTICESHIP AND TRAINING  
TRUST FUND,

Plaintiffs,

vs.

GLOBAL ELECTRIC, LLC, an Nevada  
limited liability company; and JOHN E.  
FORSMAN, an individual,

Defendants.

Case No. 2:09-cv-01929-RLH-RJJ

**CONFESSION AND STIPULATION  
TO ENTRY OF JUDGMENT  
UNDER 29 U.S.C. § 1001 et seq.  
"ERISA"**

Global Electric, LLC ("Global"), a Nevada limited liability company, and John E. Forsman hereby confess judgment and stipulate to entry of judgment in United States District Court, District of Nevada under 29 U.S.C. §1001 et seq. of the Employee Retirement Income Security Act of 1974 ("ERISA") in favor of Plaintiffs Trustees of the Electrical Workers Health and Welfare Trust; Trustees of the Electrical Workers Pension Trust; and The Trustees of the Las Vegas Electrical Joint Apprenticeship and Training Trust Fund (collectively the "IBEW Joint Trust Funds"), and against Global and John E. Forsman in the total sum of Two Hundred Seventy

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1 One Thousand Four Hundred Sixty Eight and 57/100 Dollars (\$271,468.57), representing  
2 delinquent employee benefits, liquidated damages, attorneys' fees and costs, and interest.

3 This Confession and Stipulation to Entry of Judgment is for a debt justly due to the  
4 Plaintiffs IBEW Joint Trust Funds under ERISA and arising out of the following facts:

5 1. Global is signatory to and bound by the terms of the Master Labor Agreement and  
6 the Trust Agreements establishing the IBEW Joint Trust Funds.  
7

8 2. Under these Agreements, Global is obligated to pay employee benefits to the  
9 IBEW Joint Trust Funds on behalf of Global's bargaining unit employees represented by  
10 International Brotherhood of Electrical Workers or its affiliated locals.

11 3. Based on remittance reports prepared and submitted by Global for the months of  
12 June, 2007 through February, 2008, Global is delinquent in payment of employee benefits and  
13 resulting ancillary costs to the IBEW Joint Trust Funds for the months of June, 2007 through  
14 February, 2008.  
15

16 4. John E. Forsman is an officer of Global. As an officer, John E. Forsman has  
17 control over whether Global pays the employee benefits it owes to the IBEW Joint Trust Funds.

18 5. The employee benefits become Trust Fund assets as of the date they are due to the  
19 IBEW Joint Trust Funds.

20 6. John E. Forsman has possession of employee benefits due to the IBEW Joint Trust  
21 Funds, which are Trust Fund assets.  
22

23 7. By virtue of John E. Forsman's possession and control of employee benefits, John  
24 E. Forsman is a "fiduciary" under ERISA.

25 8. As an ERISA fiduciary, John E. Forsman has a duty to make the IBEW Joint Trust  
26 Funds whole for all delinquent employee benefits that are due from Global.  
27  
28

9. Global is delinquent to the IBEW Joint Trust Funds for employee benefits totaling Two Hundred Twenty One Thousand Six Hundred Twelve and 42/100 Dollars (\$221,612.42), liquidated damages totaling Forty Four Thousand Forty Six and 76/100 Dollars (\$44,046.76), past interest at 18% in the amount of Three Thousand Fifty Nine and 39/100 Dollars (\$3,059.39), and past attorney's fees and costs in the amount of One Thousand Five Hundred and 00/100 Dollars (\$1,500.00) for a total of Two Hundred Seventy One Thousand Four Hundred Sixty Eight and 57/100 (\$271,468.57).

10. The foregoing is for a debt justly due and owing by Global and John E. Forsman to the IBEW Joint Trust Funds under 29 U.S.C. §1001 et seq. "ERISA."

11. John E. Forsman agrees to personally guarantee and to be personally liable for payment of the amounts set forth herein.

Dated: March 6<sup>th</sup>, 2008

GLOBAL ELECTRIC, LLC

By: 

John E. Forsman

Its: 

President

Dated: March 6<sup>th</sup>, 2008

JOHN E. FORSMAN, an individual

By: 

John E. Forsman

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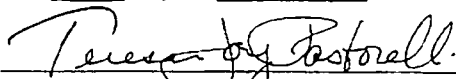
1 STATE OF NEVADA )  
 2 ) ss.  
 3 COUNTY OF CLARK )

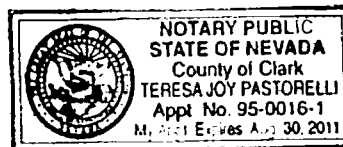
4 John E. Forsman, being first duly sworn, deposes and says:

5 That he is the PRESIDENT and representative of Defendant Global Electric,  
 6 LLC and is duly authorized to execute this document; that he has read the foregoing Confession  
 7 and Stipulation to Entry of Judgment Under U.S.C. §1001 et seq. of ERISA and knows the  
 8 contents thereof; that the same is true of his own knowledge, except for those matters therein  
 9 stated on information and belief, and as to those matters he believes them to be true.

10  
 11   
 12 Affiant

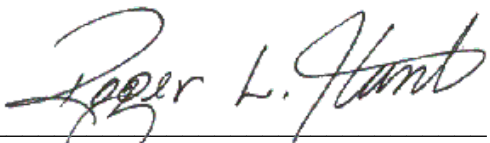
13 Subscribed and sworn to before me  
 14 this 6th day of MARCH, 2008.

15   
 16 - NOTARY PUBLIC -



17  
 18  
 19  
 20  
 21 **IT IS SO ORDERED**

22 Dated: July 27, 2010

23  
 24   
 25  
 26 UNITED STATES DISTRICT JUDGE  
 27  
 28

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